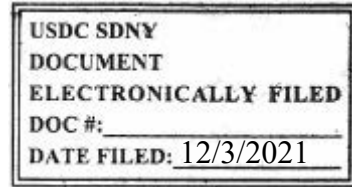


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



**DARCI FERNANDEZ PENALOZA**, on  
behalf of herself and those similarly situated,

Plaintiffs,

v.

**KIMBERLY HOTEL INC.**,

Defendant.

**Civil Action No.: 1:21-cv-06557**

**JOINT STIPULATION AND  
ORDER VOLUNTARILY  
DISMISSING CLASS CLAIMS**

WHEREAS, on August 3, 2021, Plaintiff Darci Fernandez Penaloza (“Plaintiff”) filed a complaint (“Complaint”) in the above-captioned action (the “Action”) against the Kimberly Hotel, Inc. (“Defendant”) asserting both individual and class claims pursuant to the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* (“ADEA”), the New York State Human Rights Law, N.Y. Exec. L. §§ 296 *et seq.* (“NYSHRL”) and the New York City Human Rights Law, N.Y. Admin. Code § 8-101 *et seq.* (“NYCHRL”) (ECF No. 1);

WHEREAS, on September 29, 2021, Defendant filed an answer (“Answer”) to the Complaint (ECF No. 13);

WHEREAS, on September 29, 2021, the Court issued an Order automatically referring the Action to mediation (the “Order”) (ECF No. 14);

WHEREAS, the Order provided that the parties were to exchange targeted, core discovery materials specified in the Court’s Pilot Discovery Protocols for Counseled Employment Cases (“Discovery Protocols”) within 30 days of the filing of an Answer (*Id.*);

WHEREAS, pursuant to the Order, on October 29, 2021, the parties exchanged the information specified in the Discovery Protocols;

WHEREAS, upon diligent review of the targeted, core discovery materials provided by Defendant, Plaintiff has determined not to pursue the class claims asserted in the Complaint;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the respective parties, that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the ADEA, NYSHRL and NYCHRL class claims asserted in the Complaint are hereby voluntarily dismissed with prejudice as to Plaintiff only.

Dated: New York, New York  
November 29, 2021

**HACH ROSE SCHIRIPA &  
CHEVERIE LLP**

By: /s/ Frank R. Schirripa  
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*Counsel for Plaintiff*

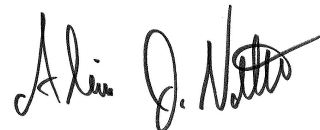
**LEWIS BRISBOIS BISGAARD &  
SMITH LLP**

By: /s/ Jeffrey Spiegel  
Jeffrey Spiegel  
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Tel: (212) 232-1300

*Counsel for Defendant*

SO ORDERED.

Dated: December 3, 2021



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Honorable Alison J. Nathan  
United States District Judge